

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BARBARA ZINNAMON,

Plaintiff,

-against-

THE BANK OF NEW YORK,

Defendant.
-----X

ROSS, United States District Judge:

NOT FOR PUBLICATION

ORDER

98 CV 5707 (ARR)

By motion dated November 10, 2005, plaintiff requests an extension of time to file a notice of appeal. Plaintiff's prior request for an extension of time was denied on January 3, 2005. See Zinnamon v. Bank of New York, No. 98 CV 5707 (ARR), slip op. (E.D.N.Y. Jan. 3, 2005) (discussing litigation history). By mandate dated July 14, 2005, the United States Court of Appeals for the Second Circuit dismissed Zinnamon's appeal as untimely.

As stated in the prior order, this court does not have jurisdiction to extend the time to file a notice of appeal under Fed. R. App. P. 4(a)(5). See Cohen v. Empire Blue Cross and Blue Shield, 142 F.3d 116, 118 (2d Cir. 1998) (per curiam) ("The district court lacks jurisdiction to grant any extension motion that is not filed within Rule 4(a)(5) 30-day 'grace period'"); see also Mendes Junior Int'l Co. v. Banco Do Brasil, S.A., 215 F.3d 306, 311 (2d Cir. 2000) (a district court cannot give authority to "revive a losing party's right to appeal after both the original appeal period and the permissible grace period have expired").

Accordingly, plaintiff's motion is DENIED.

SO ORDERED.

ALLYNE R. ROSS
United States District Judge

Dated: December 6, 2005
Brooklyn, New York